

16-25-01

PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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JC955  
06/23/01  
U.S. PTO16-25-01  
06/23/01  
PRO16-25-01  
06/23/01

**UTILITY PATENT APPLICATION TRANSMITTAL**  
(Only for new nonprovisional applications under 37 CFR 1.53(b))

**Attorney Docket No.** 004524.P019  
(maximum 12 characters)

**First Named Inventor** John J. Schuster

**Title:** DETERMINATION OF TRANSMISSION BLOCKAGE IN AN OPTICAL TELECOMMUNICATION SYSTEM

**Express Mail Label No.** EL431688824US

**ADDRESS TO:** Assistant Commissioner for Patents  
Box Patent Application  
Washington, D. C. 20231

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

1.  **Fee Transmittal Form (e.g., PTO/SB/17)**  
(Submit an original, and a duplicate for fee processing)
2.  **Applicant Claims Small Entity Status. (37 CFR 1.27)**
3.  **Specification (Total Pages 34)**  
(preferred arrangement set forth below)
  - Descriptive Title of the Invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4.  **Drawings(s) (35 USC 113) (Total Sheets 10)**
5.  **Oath or Declaration (Total Pages 5)**
  - a.  Newly Executed (Original or Copy)
  - b.  Copy from a Prior Application (37 CFR 1.63(d))  
(for Continuation/Divisional with Box 17 completed)
    - i.  **DELETIONS OF INVENTOR(S)** Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
    - c.  Unsigned.
6.  **Application Data Sheet. (37 CFR 1.76)**
7.  CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8.  Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)
  - a.  Computer Readable Form (CRF)
  - b.  Specification Sequence Listing on:
    - i.  CD-ROM or CD-R (2 copies); or
    - ii.  paper
  - c.  Statement verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

9. <input checked="" type="checkbox"/>	<b>Assignment Papers (cover sheet &amp; documents(s))</b>
10. <input type="checkbox"/>	a. Separate 37 CFR 3.73(b) Statement (where there is an assignee)
	b. Power of Attorney
11. <input type="checkbox"/>	English Translation Document (if applicable)
12. <input type="checkbox"/>	a. Information Disclosure Statement (IDS)/PTO-1449
	b. Copies of IDS Citations
13. <input type="checkbox"/>	<b>Preliminary Amendment</b>
14. <input checked="" type="checkbox"/>	<b>Return Receipt Postcard (MPEP 503) (Should be specifically itemized)</b>
15. <input type="checkbox"/>	Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. <input checked="" type="checkbox"/>	<b>Request and Certification under 35 U.S.C. 122(b)(2)(B)(i). <u>Applicant must attach form PTO/SB/35 or its equivalent.</u></b>
17. <input checked="" type="checkbox"/>	Other: <u>separate sheet with title, express mail label, copy of postcard and attorney's signature</u>

**18A. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:**

Continuation       Divisional       Continuation-in-part (CIP)  
 Of Prior Application No.: \_\_\_\_\_ Examiner \_\_\_\_\_ Group Art Unit \_\_\_\_\_

(which is a  continuation/  divisional/  CIP of prior application no. \_\_\_\_\_,  
 which is a  continuation/  divisional/  CIP of prior application no. \_\_\_\_\_) (List entire chain of priority)

**For CONTINUATION AND DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.**

**18B. Statement under 37 CFR 3.73(b) for continuing application:**

The undersigned states that \_\_\_\_\_ (name of assignee) is  
 the assignee of the entire right, title, and interest in the accompanying patent application by virtue of an  
 assignment recorded in the Patent and Trademark Office at Reel. No. \_\_\_\_\_ Frame No. \_\_\_\_\_  
 (or a copy of which is attached).

**19. Correspondence Address**

Customer Number or Bar Code Label \_\_\_\_\_  
 or \_\_\_\_\_ (Insert Customer No. or Attach Bar Code Label here)

Correspondence Address Below

NAME Lisa N. Benado

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

ADDRESS 12400 Wilshire Boulevard

Seventh Floor

CITY Los Angeles STATE California ZIP CODE 90025-1026

Country U.S.A. TELEPHONE (425) 827-8600 FAX (425) 827-5644

Name (PRINT/TYPE): Lisa N. Benado Registration No.: 39,995  
 Signature: L.N. Benado Date: June 22, 2001

**REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor John J. Schuster  
Title DETERMINATION OF TRANSMISSION BLOCKAGE IN AN OPTICAL TELECOMMUNICATION SYSTEM  
Attorney Docket No. 004524.P019

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

June 22, 2001

Date



Signature

Lisa N. Benado

Typed or Printed Name

39,995

Registration No.

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months after the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Send to: Assistant Commissioner for Patents, Washington, D.C. 20231

## **FEE TRANSMITTAL FOR FY 2001**

**TOTAL AMOUNT OF PAYMENT (\$)** 1,072.00

**Complete if Known:**

**Application No.** New Application

**Filing Date** Herewith

**First Named Inventor** John J. Schuster

Group Art Unit Not Yet Assigned

**Examiner Name** Not Yet Assigned

Attorney Docket No. 04524.P019

**METHOD OF PAYMENT** (check one)

1. [ X ] The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

**Deposit Account Number** 02-2666  
**Deposit Account Name** \_\_\_\_\_

- Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

- Applicant claims small entity status. See 37 CFR 1.27

2.  Payment Enclosed:  Check  
 Credit Card  
  
  
  
 Other

## **FEE CALCULATION**

**1. BASIC FILING FEE**

<u>Large Entity</u>	<u>Small Entity</u>	<u>Fee Description</u>	<u>Fee Paid</u>
Fee	Fee		
Code	(\$)	Utility application filing fee	710.00
101	710	201	355
106	320	206	160
107	490	207	245
108	710	208	355
114	150	214	75
		Reissue filing fee	
		Provisional application filing fee	

**SUBTOTAL (1) \$ 710.00**

## **2. EXTRA CLAIM FEES**

<b>2. EXTRA CLAIM FEES</b>	<u>Extra Claims</u>	<u>Fee from below</u>	<u>Fee Paid</u>
Total Claims <u>29</u>	- 20** = <u>9</u>	X <u>18.00</u>	= <u>162.00</u>
Independent Claims <u>5</u>	- 3** = <u>2</u>	X <u>80.00</u>	= <u>160.00</u>
Multiple Dependent			=

**\*\*Or number previously paid, if greater: For Reissues, see below.**

<u>Large Entity</u>	<u>Small Entity</u>			
Fee	Fee	Fee	Fee	<u>Fee Description</u>
Code	(\$)	Code	\$)	
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2) \$ 322.00**

### **FEE CALCULATION (continued)**

**3. ADDITIONAL FEES**

<u>Large Entity</u>	<u>Small Entity</u>	<u>Fee Description</u>	<u>Fee Paid</u>
Fee	Fee	Fee	
Code	(\$)	Code	(\$)
105	130	205	65
127	50	227	25
			Surcharge - late filing fee or oath
			Surcharge - late provisional filing fee
			or cover sheet
139	130	139	130
147	2,520	147	2,520
112	920*	112	920*
			Non-English specification
			For filing a request for ex parte reexamination
			Requesting publication of SIR prior to
			Examiner action
113	1,840*	113	1,840*
			Requesting publication of SIR after
			Examiner action
115	110	215	55
116	390	216	195
117	890	217	445
118	1,390	218	695
128	1,890	228	945
119	310	219	155
120	310	220	155
121	270	221	135
138	1,510	138	1,510
140	110	240	55
141	1,240	241	620
142	1,240	242	620
143	440	243	220
144	600	244	300
122	130	122	130
123	130	123	130
126	180	126	180
581	40	581	40
			Petition to institute a public use proceeding
			Petition to revive – unavoidable
			Petition to revive - unintentional
			Utility issue fee (or reissue)
			Design issue fee
			Plant issue fee
			Petitions to the Commissioner
			Petitions related to provisional applications
			Submission of Information Disclosure Stmt
			Recording each patent assignment per
			property (times number of properties)
146	710	246	355
149	710	249	355
179	710	279	355
169	900	169	900
			For filing a submission after final rejection (see 37 CFR 1.129(a))
			For each additional invention to be examined (see 37 CFR 1.129(b))
			Request for Continued Examination (RCE)
			Request for expedited examination of a design
			application

Other fee (specify) \_\_\_\_\_

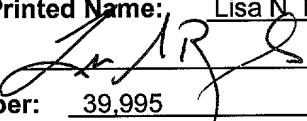
Other fee (specify) \_\_\_\_\_

**SUBTOTAL (3) \$ 40.00**

\*Reduced by Basic Filing Fee Paid

**SUBMITTED BY:**

Typed or Printed Name: Lisa N. Benado

Signature: 

Date: June 22, 2001

Reg. Number: 39,995

Telephone Number: (425) 827-8600

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

**DETERMINATION OF TRANSMISSION BLOCKAGE IN AN OPTICAL  
TELECOMMUNICATION SYSTEM**

Inventors: John J. Schuster

Respectfully submitted,

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP



Lisa N. Benado  
Reg. No. 39,995

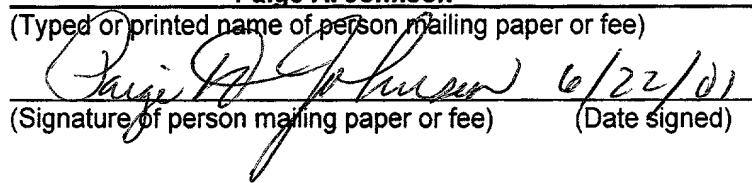
"Express Mail" mailing label number:EL431688324US

Date of Deposit: June 22, 2001

I hereby certify that I am causing this paper or fee to be deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and that this paper or fee has been addressed to the Assistant Commissioner for Patents, Washington, D. C. 20231

Paige A. Johnson

(Typed or printed name of person mailing paper or fee)

  
(Signature of person mailing paper or fee)

6/22/01  
(Date signed)

Serial/Patent No.: New Application

Filing/Issue Date: Herewith

Client: Terabeam Corporation

Title: DETERMINATION OF TRANSMISSION BLOCKAGE IN AN OPTICAL  
TELECOMMUNICATION SYSTEM

BSTZ File No.: 004524.P019

Date Mailed: June 22, 2001

Atty/Secty Initials: PAJ

Docket Due Date: 345

*345*

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Amendment/Response (____ pgs.)   | <input checked="" type="checkbox"/> Express Mail No <b>EL431688324US</b>            | <input type="checkbox"/> Check No <b>001361</b> |
| <input type="checkbox"/> Appeal Brief (____ pgs.) (in triplicate)                                   | <input type="checkbox"/> _____ Month(s) Extension of Time                           | <input type="checkbox"/> Amt <b>\$1,072.00</b>  |
| <input checked="" type="checkbox"/> Application - Utility ( <b>34</b> pgs. with cover and abstract) | <input type="checkbox"/> Information Disclosure Statement & PTO-144 (____ pgs.)     | <input type="checkbox"/> Check No _____         |
| <input type="checkbox"/> Application - Rule 1.53(b) Continuation (____ pgs.)                        | <input type="checkbox"/> Issue Fee Transmittal                                      | <input type="checkbox"/> Amt _____              |
| <input type="checkbox"/> Application - Rule 1.53(b) Provisional (____ pgs.)                         | <input type="checkbox"/> Notice of Appeal   |   |
| <input type="checkbox"/> Application - Rule 1.53(b) CIP (____ pgs.)                                 | <input type="checkbox"/> Petition for Extension of Time                             |   |
| <input type="checkbox"/> Application - Rule 1.53(d) CPA Transmittal (____ pgs.)                     | <input type="checkbox"/> Petition for _____   |   |
| <input type="checkbox"/> Application - Design (____ pgs.)   | <input checked="" type="checkbox"/> Postcard  |   |
| <input type="checkbox"/> Application - PCT (____ pgs.)  | <input type="checkbox"/> Power of Attorney (____ pgs.)                              |   |
| <input type="checkbox"/> Application - Provisional (____ pgs.)                                      | <input type="checkbox"/> Preliminary Amendment (____ pgs.)                          |   |
| <input checked="" type="checkbox"/> Assignment and Cover Sheet                                      | <input type="checkbox"/> Reply Brief (____ pgs.)                                    |   |
| <input checked="" type="checkbox"/> Certificate of Mailing  | <input type="checkbox"/> Response to Notice of Missing Parts                        |   |
| <input checked="" type="checkbox"/> Declaration & POA ( <b>5</b> pgs.)                              | <input type="checkbox"/> Small Entity Declaration for Indep Inventor/Small Business |   |
| <input type="checkbox"/> Disclosure Docs & Qig & Copy of Inventor's Signed Letter (____ pgs.)       | <input checked="" type="checkbox"/> Transmittal Letter, in duplicate                |   |
| <input checked="" type="checkbox"/> Drawings, <b>10</b> # of sheets includes <b>14</b> figures      | <input checked="" type="checkbox"/> Fee Transmittal, in duplicate                   |   |

Other: Separate sheet with title, express mail label, copy of postcard and attorney's signature; nonpublication request (3rd page of transmittal letter)